IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.59873-M of 2006

DATE OF DECISION:12.12.2006

Gurvinder Singh .....Petitioner

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Suresh Goel, Advocate
for the petitioner.

Shri N.S. Gill, AAG, Punjab.

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The petitioner has filed this petition under Section 482 Cr.P.C. for setting aside of the recalling order dated 25.8.2006 passed by Additional Sessions Judge, Barnala in case FIR No. 181 dated 14.7.2004 under Sections 307/323/341/201/427/148/149 IPC and 25/27/54/59 of Arms Act, registered at Police Station Kotwali, Barnala.

Vide order dated 25.8.2006, bail bonds and surety bonds of the petitioner were cancelled and forfeited to the State as on the date fixed he did not appear before the Court. It is the case of the petitioner that on 25.8.2006, he could not appear before the trial Court because he is having apprehension of his arrest in another case i.e. FIR No. 221 dated 8.8.2006 under Sections 364/323/148/149 IPC and 25,27 and 54 of the Arms Act, registered at Police Station Barnala and his anticipatory bail application in that case was dismissed on the same day.

On September 28, 2006, arrest of the petitioner was stayed subject to the condition that he will appear before the trial Court within 15 days and will furnish his regular bail bonds to its satisfaction. In

compliance of the said order, the petitioner did not appear before the trial Court within 15 days and on November 13, 2006, he again sought 15 days extension to appear before the trial Court in terms of the order dated 28.9.2006. Again the petitioner did not appear before the trial Court and furnished his regular bail bonds within 15 days of the order of extension passed on 13.11.2006. Counsel for the petitioner contends that he could not appear within the said period, as he was not granted anticipatory bail in case FIR No.221 dated 8.8.2006 and the same was granted to him on 28.11.2006. Even counsel for the petitioner could not give any satisfactory explanation as to why the petitioner did not furnish his regular bail bonds from 28.11.2006 to 5.12.2006. As per the said order, he could have also appeared before the trial Court between 28.11.2006 to 5.12.2006 and furnish his regular bail bonds. Since the petitioner has not complied with the order dated 28.9.2006, therefore, this petition is hereby dismissed.

December 12, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**